

REASONS AGAINST AGREEMENT

With a late Printed Paper, intituled

Foundations of Freedom:

Highly recommended for the Primary
and Secondary Schools.



AGREEMENT

O F
P E O P L E.

Whereby it doth appear, that the Particulars proposed,
in the said Paper are not *Foundations of Freedom*, but of *Tyranny
and slavery*; to the People; being destructive to
Religion, Laws, Liberty, and Government; and a *garrison* to
Governors and Presidents, and very dangerous

By WILLIAM ASHERST Esquire.

Popularity of a new product depends on its quality and price.

Printed for Thomas Underhill, 1648. And now reprinted in
the Year of our Lord, 1649. At the charge of Sir Francis
Neville Knight; and by his high-muchly recommended to the
Auspicious consideration of all such honest Member of the prefitt
House of Commons; and of all honest wile and true learned
English-men: As no less convenient at this time then at
that when they were published by the Author.

To the Reader.



Have no more to say to the Reader, but that when I had considered the Printed Paper, intituled, *Foundations of Freedom, or an Agreement of the People*; I was very much unsatisfied with it, and so were others I met with. And finding that the differences upon it would fall out amongst those who are obliged to friendship and agreement, both for the good of the Kingdom and their own good, I thought it unchristian and unsafe to let so great dissatisfaction lie privately heating together, until they might kindle into an hotter flame of discontent, especially it having ever been (as it is still) my opinion (which I have not hid) that differences in this case should be ended by Reason, not by Opposition: And seeing the Publisher of the Paper calls upon every man for his Reasons against it, I have here brought him mine under my hand, wherein although I am sensible that I may discover my own weakness and folly, yet I ever hating all private Contrivances, or to do any thing of publick Concernment in a Corner, have judged it more honest (and that shall ever go for wisdom with me) to use plain dealing, which if it be (according to the Proverb) a jewel, I am sure, was never more precious than at this time.

GRUBS WERE 100% KILLED. 5000 GRUBS WERE KILLED IN 1000 SQ. FT.

1. *Arabische Meisterschaften für die Amerikas.*

1820
1839

REASONS AGAINST
Agreement, with a late Printed
Paper, Intituled,
An Agreement of the People.

He Publisher of this Paper called, *An Agreement of the People*, tells us, that it was tendered to the Consideration of the General, and Council of the Army; but before it was Approved by them (which I hope it never will) he held it just to be published, that men might offer their Reasons Against it: wherein he is so ingenuous; that however both the Epistle and Paper might give occasion to some personal Reflections, yet I will only give him fairly my reasons why I do not Agree to his Paper: having for the more clear proceeding first laid down the most principal parts of this Agreement which (as I take it) is briefly, *that the people who shall suffer under this War per shall Agree, To take away this Parliament, and to chuse an equal Representative consisting of 300. men, who shall have full power without the consent or concurrence of any other person or persons (neither King or House of Peers) to make, repeal, attorney and declare Laws, and that none do resist their Laws or Ordinances, upon pain of death, except such Representatives as shall violate this Agreement, and they shall have power to chuse a Council of State for the managing of publick affairs.* But that they shall not have power to continue in force, or make any Laws, Oaths, and Covenants, whereby to compel by penalties, or otherwise any person to any thing in or about matters of Faith, Religion,

or Gods worship, or to restrain any person from the professing his faith, or exercise of Religion, according to his conscience, in any home or place, except such as are or shall be lawfull for the publick worship, neverthelesse the instruction or directing of the Nation in a publick way for the matters of faith, worship, or discipline, so it be not compassing, or express Rovery, is referred to their discretion: with like restriction in other matters of less consequence.

I am very much unsatisfied with this Paper, both for the manner and matter of it, for these reasons.

1. *Reas.* Because it proposeth, that the people (or rather some small part of them) without any colour of Law or Right, should agree together to alter the present Government, and to take away a legal right from Burroughs to choose Members to the Parliament; which admitted, they may with as much Justice and Right agree to take away any Law, or any mans life or estate, by which Rule we could enjoy nothing but at the will of any number of men that would call themselves The People. And upon the same ground that those who shall subscribe this Agreement may call themselves the People, might those who shall refuse to subscribe it, and those who are not admitted to subscribe it, both call themselves the People, and at any time hereafter pretend like right to do the same, or like things; which would lay a foundation of certain confusions. Neither can there be assurance of safety for them or whatsoever in this way, for what those who call themselves the People Agree upon now, they may alter within a month, or sooner if they please.

2. *Reas.* Because if there were a right by this way to alter the Government (as there is not) yet it is not reasonable to attempt so great a matter, the Consequences whereof must be of so vast concernment to the Kingdome before the inconveniences of the present Government have been plainly discovered, and solemnly debated: And being found out, tryall had been made whether by the present unquestionable power there might not have been found a remedy either by some Additions, or smaller Alterations without putting things to so great an hazard as an revolution due to an entire change in the Supreme Power.

meriting, and that without offering any reason for it.

Neither is there only these general reasons against the whole Paper, but if the subject matter of it, and the proceedings intended thereupon were lawful, yet there are many Reasons against the particulars in it, which I shall proceed with.

3. *Reas.* Because it doth propose to take away (not only the King) but all Kings, and the House of Peers out of the Government, Indicatory of this Kingdome, and that for ever, without meaning any necessity of it; which the Papists, Delinquents, and ill-affected persons amongst us (well perceiving how great a distraction it would bring) did frequently charge upon the Parliament as their design, whereupon to vindicate themselves from such assertions, they have made and published several Declarations, that they would not alter the Government of the Kingdome by King, Lords and Commons; And this Kingdome having had so many hundred years experience of this present Government, in the most part of which time they having lived in peace and plenty: and when any wars have heretofore happened between the King and the People, no such alterations being ever desired or attempted. It is not imaginable that they will now desire to change it for they know not what, for so are all alterations of Government untill the conveniences or inconveniences be found out by experience. All I will further add upon this Reason is, that this poor wasted Kingdome doth not stand in need of so great a division and distraction in the course of all proceedings at home, and to incur such dangers from abroad, as would in reason be the Consequences of this Alteration.

4. *Reas.* Because this Paper proposeth the absolute taking away of the power and privileges of the Parliaments of England, which we are bound to preserve and maintain, not only as Englishmen, but as Christians; most part of the Kingdom having solemnly sworn it to the most high God, and one to another in the Vow and Protestation of the 5. of May 1641. wherein we further vow and protest to oppose, and by all good wyes and means endeavour to bring unto condigne punishment all such as shall either by force, Practice, or Counsels, Plots, Conspiracies, or other-

otherwise do any thing to the contrary. And likewise in the Second English League and Covenant of 27. of September, 1643, not only in this Kingdom, but the most part of the Kingdom of Scotland have sworn to preserve the Rights and Privileges of the Parliaments in both Kingdoms. Now the Paper doth not only protest against the Rights and Privileges, but the Parliaments of England themselves, as they were constituted when these Oaths were taken, to which hewards according to the last will and testament of them (which is the rule of Oaths) must relate, for we could not swear so that which was not, or to something that was only like a Parliament theretofore no man (as I conceive) who hath taken either the vow and Protestation, or the Solemn League and Covenant, can agree to this agreement, unless he dare make himself guilty of most palpable and notorious Perjury.

3. Read. Because it proposeth the taking away the representation of the Parliaments only by a forcible agreement, without any consent, and in the room of it to let the representative which shall nor so much as a colour of Legal right: by which means, THE KING, THE COUNCIL, AND THE PEACE, MAY IMPAIR THIS PARLIAMENT, WHICH during the time of his being of it cannot be taken away, but by the King, who made them, and by us, we shall have a Representative that will speak no law, but will have the power, and a Parliament to do it, and the King, the Council, and the Peace, may leave the Kingdom with this Representative, and Antagonist, when they please, and this Representative, and Antagonist, and their 5000 members, shall then make and frame of Commons, and their number that will make an House of Peers, assembled in any place within Westminster, will have more power to make and repeal Laws then these Representatives, Although all were done that the Paper desirous.

4. Read. Because there is also a dispensation made upon the Liberties of the people of England, proposed in the Election of this Representative: it being a known Maxim in Law, that no power could lawfully impose upon the Liberties or properties of the people of this Kingdom, but either by their Parliament, or Consent, or general Assent in Parliament, where every man is represented. But by this Paper, as well all those who have been most hurtful to the Parliament and Kingdoms, and hazarded

zanted their lives and estates in this cause (if in Conscience they cannot subscribe this Agreement) the Delinquents and Papists that are most of all obnoxious to the Law shall be debarred from Electing or being elected, yet they shall have Laws and taxes imposed upon them, & by them who for number are the best party in the Kingdom, and by those to whom they give no content nor trust, which is as perfect slavery, as any Tyrant could impose upon them.

Reas? Because the Declaring of Agreement with this Paper by Subscription, will not only be a means more to draw, but also to keep those who have adhered to the Parliament in this cause in parties, factions and divisions: For after they are once all distinguished by Subscribers, or non-subscribers, it will make them more strange one to another, and to withdraw that affection and confidence from each other that is necessary for them as Christians, and as wise men: who should rather study how to finde out ways of Union for their mutual preservation against the common Enemy, than take this course which I fear may prove a way of great danger to us, because it will increase divisions in those who must be non-subscribers, the Nonconformists are now only made incapable of publick-trust and Employment, yet they are not secure, but they may be proceeded against further afterwards by the new Representative and high (if not the highest) punishments: which doubts and feares will increase if the Supreme power be wholly put into the hand of a party who differ from them in principles of Religion and civil Government, and they have no visible security before hand to enjoy Religion and their Liberties; the want of securing whereof, is it made many of them refuse to agree with the King, so will it bide them from agreement with any power on Earth: when by ground it is to be feared they cause but look upon themselves as under apprision, both in their Liberties, properties, and Consciences: wherein I speak the more freely, that every man might labour and endeavour to prevent such breach, especially amongst those which fear God, and that none of them might adhere to this Paper, wherein it is especially to be noted, that all the dissensions, divisions, evils, and inconveniences

niences that shall happen upon either subscribing or not subscribing, is only to those who have been united in this cause, the common enemy being thereby strengthened, united, and kept from the rest of this subscription.
 118. **Reas.** Because this will tend to the utter subverting and taking away Magistracy and Government out of the Kingdome, not only by placing such a supreme power (under whom all subordinate do all) as at least will be disputed; And thereby that distance and reverence that God hath put upon his Ordinance of Magistracy being removed, it is like to fall into contempt; But by this Paper the Laws and Orders of this Representative shall not bind, or be of any force even to those who agree and subscribe to the Paper. For although it seems to put the penalty of death upon the resisters of their Orders, yet there is one little exception that makes it lawful for all men (especially that have power) to resist and disobey them, the words are these: *Except such Representative shall expressly violate this Agreement;* which leaves every man to be a Judge of it, there being by this Paper no other power intended to be above this Representative to judge it; Nor doth it appoint either how, or by whom, this judgement all be made: Therefore every man that will but say they have broken this Agreement, and hath power to make it good, shall not offend, but justify his disobedience, opposing of their Laws or Orders by force. And where there is this principle that Judgement is out of the legal Judges, there can be no Magistracy, Authority, or Government; but then, that (there being no perfection in any thing here below) all Judges and Supreme Authorities may erre, and do err, but if upon that ground any malcontents should be their Judges, is not the reason as good and much more strong, that those malcontents (who cannot be judged) may erre, and do err, by how much they are aided by force, and as they are possessed by others; And according to their sudden and present Apprehensions, rather then by principles, Reason, or Judgement; neither are they bound by those considerable interests to seek the good and tranquillity of the Kingdome, that usually those have who are called to be Judges; and especially they are not so obliged

in duty to God, because the Magistrates are called by God to be Judges, therefore they must judge righteously, as they will answer it to him up on highest penalty. *The losse of their souls.* I might further shew that by the Moral Law, the Law of nature, and the positive Laws of God, Judgement doth wholly rest in the Magistrate. But this point being only for the more abundant clearing, yet not of absolute necessity to this Reason, I will insist no further upon it, there being enough to demonstrate, that if no man ought to be punish'd for opposing any Law or Order of this Representative, if they break *this Agreement*, and that every man may be his own Judg whether they have broken this Agreement or no; then although there may be a color, yet there is really no Authority in this Representative. And if not in this, which is to be made the Supreme, then much less have any inferior Judicatories that shall act under them; and so that great Ordinance of God, Magistracy, whereby he preserves humane society, shall be taken out of this Kingdom.

9. Real. Because this Paper allows a tolleration of Popery, only with a restriction to the Magistrate, that he shall not instruct, or direct it publickly; But both he, and all the people that will, may profess, and practise it in their houses, which is a large step to introduce the publick profession of it; especially seeing that by gaining thus much, this just plea will lie for the freedome of it; That there is no reason to except Popery, when those that are guilty of Atheisme, the deniers of God, or any Person in the Trinity, The greatest blasphemers, and cursers of God, with those that profess any heresie or errour have their liberty, and are not excepted, and therefore by these principles (in Justice) Popery must likewise go out free, although it may be judged no policity to speak it out at this time. When I consider this, together with the other parts of this Paper, which onely tends to divide those who have adhered to the Parliament and Kingdome in this cause, and see what care is taken (to the end we might be the better destroy'd) that nothing be proposed which might divide the common Enemy amongst themselves, but they must remain intire, and united (which I did intend for a distinct Reason against the Paper.) *This is a plain discovery to*

me, that the whid was made and contrived by some Jesuite, with the advice of some of the Kings old Counsellors, although it is possible that some honest men may be couensed into the acting side for them. But to retorne to the point, Here we have a Magistrate that hath neither conynsacie nor restric^tive power in matters of Religion, but both he and the people are freely left to be of any Religion that they please, or of no Religion if they please; yet the Magistrate (if it stand with his discretion) shall have a Toleration to instruct and direct in a publike way (all that will be instructed and directed by him (for all are left to their liberty) in matters of Faith, Worshipp, or Discipline, whereby he is at liberty to instruct according to truth, or in any error, so that for the present it be not Popery, yet in truth the best contrivance to build up Popery, at last upon the ruines of Religion by Aberration and prophaney, which the more it is considered, the more it will be abhorred by all honest and godly men in the Kingdome. If I had more patience I might say much more upon this Reason, but I think this is enough.

10. *Reas.* Because it will leave Ireland to the Rebels; and the Protestant party and Forces there, to misery and ruine; not only by our dissactions, but because the managing of the Warre of Ireland is in this Parliament, wherein the new Representative will have no Authority.

11. *Reas.* Because it tends to divide us from Scotland; the particular held forth in this Agreement being directly contrary to the declared principles both of that State and Church, and destructive to all the faithful in that Kingdome both Ministers and people, that have adhered to us in this Cause.

12. *Reas.* Because it destroys the cause for which we have fought, whist in so many Noble and Gallant Gentlemen, and others, have not only hazarded, but lost their lives. The quarrel first beginning upon the Kings impoing on the Power and Priviledges of Parliament, and interrupting their proceedings. Afterwards those that joyned with the King in this Warre (although it was so foul an act destructive to the Liberties of the Kingdome, that they professed the contrary, yet it was apparent that they did fight to destroy this Parliament; Therefore to joyn with

with others to take away this Parliament by a forcible agreement, were do the enemies work, and give them the Cause. And it is against the great Trust which hath been, and is given by the Parliament to all the Souldiers that have had, or have Commissions from them, wherein they are specially intrusted to fight for The preservation of this Parliament. And when all Souldiers do well consider, that without the Authority of this Parliament their Taking up Armes were Treason, and their killing of men were murder; and that it is the Authority by which they have indemnity & present pay, and security for their Arrears, and that as the change of Authority would make many questions in other things, so would it do in these. It being also evident, that as the Parliament cannot well be without their forces, so they cannot be without the Parliaments Authority. Upon all these considerations, the Souldiers have reason to be against this Paper, which proposeth by agreement to take away the Cause they have fought for.

23. Read. Because although there were a quiet possession of all that is defined in this Paper, yet it were not like to stand long, the interests of all that are most considerable, obliging them to be against the keeping of this Agreements. For instance, In reason all Kings will be against it, for they, and their Heirs, and Successors are utterly excluded out of this Government. The Peers will be against it, there being likewise an exclusion of the House of Peers. The Souldiers will be against it, because it offers forcibly to take away the Parliament they have fought for, whose Authority gave them a being as Souldiers, and under whose Authority they act. The Magistrates or people of that quality, capable of Government will be against it, because it leaves at the best but the colour of a Magistrate, with no power but such as is alterable, and revokable at the pleasure of any multitude. The faithful and conscientious Ministers will be against it, for as it gives them no protection, countenance, encouragement or assistance by the Magistrate; so it leaves all their people to the practice and profession of blasphemy, Atheism, Heresy, Error and Prophaneness without control. And it is like that most of the Religious and discreet people will be against it, because it neither provides for increase of

quiet, nor give security for the enjoyment of Liberty or Property, nor hopes of Union, which might bring a settlement and peace. And what sorts of people are left whose interest it would be to propose this Agreement, I leave any one to consider, whether they will not be only such, who because they cannot bring themselves within the protection of the Law establish and present Government, will possibly sign this Agreement, that so they may bring the Law and Government to their wills and corrupt interests; for so indeed they do that subscribe this Agreement. No obedience being to be given to this Representative, but in their keeping of this agreement; and there being no other Judges thereof but the Subscribers, who in the result of all have the Law in their own wills. Upon all which grounds there is no hope that this Agreement if it were made (as is desired) would either preserve it self, or that any who were most considerable, could be obliged to keep it, so as nothing could be expected from it but to be a foundation for new confusion.

I will close these Reasons with this profession, That I am far from arguing that this Parliament should not (in this manner) be taken away out of any base or low end, that I might still continue a Member of it, for I dare & do appeal to God, who is the searcher of all hearts, that I know no outward thing to befall me, that I should account my self more happy in then to be legally discharged from that Service. But in this way to tear up the very foundations of all Government; and to read up so miserable a thing in the room, it behoves every true-hearted Englishman that sees it to be sensible, not for his own, but for the Kingdoms sake; and that really set me on work at this time.

I shall now only add some short general Conveniences upon several particulars I finde at the end of this Paper prepared and ready for this new Representative; wherein are desires to this purpose.

That no mans life be taken away but for Murther. That no man be imprisoned for Debt. That no Tythes be paid: That there be no restriction (which is no regulation) of Trade. That there be no Lawyers, nor Law, but new Rules in English, to be made by the new Representative; And twelve men in every hundred

Hundred to be Judges of all causes ; who are likewise intended to supply the Offices of all Mayors, Sheriffs, Justices of Peace, &c. These are the desires of them who labour for a new Representative instead of Parliaments. And it seems they hope to choose such a Representative as will grant them all. Indeed if these must be had, I agree there is a necessity (by some means or other) to take away this Parliament ; for I believe that they would never grant such things ; as the making of Laws in the favour of Treasons, Burglaries, Felonies, Sodomy, Buggery, Rapes, and such like abominations, from which the punishments of death is (by these men) desired to be taken off, especially considering that the many good Lawes which have been made under highest penalties (as now they stand) do not hinder nor deter men from those foule offensives which are daily and frequently committed in all parts of the Kingdoms, and therefore there rather appears need of stricter provision against them.

But when the new Representative shall take these things into consideration, they may finde that there will be no need to take away any penalties from a Malefactor, by a Law to keep them from Justice, if they do but grant the hundred Courts as is desired (who can but sit seldom), and thereupon all Mayors, Sheriffs, Justices of Peace, &c. who are Officers ever ready, and by whose Authority the Malefactors are apprehended, examined, committed, and brought to Justice ; being taken away, the Offenders are like to go free without any such Law. Especially when these Hundred Courts act the parts not only of all the Lawyers, but of all the Judges in the Kingdom. And all this Justice to be done, and lie in the breasts of twelve men in every Hundred, who may be chosen of men that can neither write, nor have any estates responsible, if they should be found guilty of Bribery, or any other high misdemeanours. By this means we are like to have Justice at all adventure, be it right or wrong. If I should go over the rest of the aforesaid particulars, I should not keep my word, for there is so much to be said against every of them, that I could not be short, nor is it very necessary to be done ; for in the bare reading of them, it doth

doth too much appear, that they are working to a universall
 Licentiousness, as well in the Civil State, as in matters of
 Religion: by which liberty, all truth, and every mans property,
 with the Government which is the hand of humane society,
 will be destroyed. I had thought to have closed here, but I
 durst not conclude without a word upon that particular proposed,
 that no Tythes be paid; because I believe that taking away
 the Ministers of the Gospel with their maintenance, lies at the
 bottom of it: I say so upon this ground. Because I did yet never
 speak with any man who was for the taking away Tythes
 from Ministers, without a good maintenance first provided in
 a settled and certain way, (which I could never yet hear pro-
 vided) I but he was for the taking away the Ministers them-
 selves; and therefore they will not allow that the Minister is
 an office ordained by God (although nothing be more clear in
 his Word) but call them State Ministers, or (as this Paper) pub-
 lic Ministers, as though they were onely by some politique or
 civil constitution, and might be taken away at pleasure: then
 which, nothing can be more contrary to the truth; neither
 is it onely cleare, that there are those in the Church of Christ,
 whose office it is to be Ministers of the Gospel, but like-
 wise that by an Ordinance of Christ, They that preach the Gospel
 should live of the Gospel. And however it be of a Divine Right,
 that Ministers should have a maintenance, yet the proportion,
 distribution, use, and enjoyment of it is from, and by a civil
 Justice, wherupon they hold and possess their Tythes by the Law
 of the Kingdom; and have as legall a Freehold in their Tythes,
 as any man hath to his Land. And the Law doth provide full as
 good a remedy to the Minister for recovering his right of the
 Tythes, as to any Impropietor, or other man in the Kingdome
 for any thing he enjoys. But the Paper saith, it is a great
 and oppresion. I believe it is a grievance to those men that Mi-
 nisters live, or have any thing; But how comes it to be an op-
 pression? Is it oppresion to pay to others what is lawfully due to
 them? These men may consider, that if Tythes be taken from
 the Ministers, or Impropietors, yet there is neither right nor
 Justice, that they by whom they are payable should have them

to their owne use, for they have nothing that might make or deserve a right or title to them. They never payed any Consideration for them, they did not purchase ; nor were they conveighed to them : when their Land was bought, it was under this charge, that Tythes should be payed out of it. In a word, there may as much be said in Justice, reason, or equity, why they should not pay any quit Rents, Rent Charges, Annuities, or other charges that lies upon their land, as why they should not pay Tythes : And do but give them Tythes upon their buying out that it is a grievance and oppression, and they will in a short time (I am confident) upon the same grounds, cry out upon all other payments and charges upon their Land, and it is like the Rent to the Landlord will not be payed long after, for they will be all alike, a grievance and oppression.

I do observe that there are two notable pieces of justice in the consequence of this particular of theirs.

First, that the Impropriator shall be facisfied (yet I know not how, where, or by whom) before his Tythes be taken away. Yet the poor Minister that holds his by as good Law and right shall have his first taken from him, and play an after-game for his maintenance which might gain their point; when by that means they might be driven from their Churches to go abroad to beg, because they cannot work.

And the other is, that they would have this new Representative to take Tythes from the Ministers, to whom they belong in justice and right, and to give them unto other people who have no right at all to them. And when they have got the Ministers Tythes, then they propose that they may have maintenance, Provided alwaies, that (it being against their Conscience) they may pay them nothing. Nor others pay any thing, all payments being oppressive, and they are to have nothing but in an unoppressive way. By all which appears, that they intend to take away the Ministers, and get their means to themselves for their paines. I do not in this plead my own case, for I do and shall willingly pay Tythes but I receive none.

I have thus looke into these Foundations of Freedome, and told you in part what I have seen, wherein I must leave every

